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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

Writ Petition (C)No.4835 of 2006

PETITIONER	:	Eandhan Mitti Tel Hawkers Sharamik Sahkari Samiti Maryadit Berla, Block Berla, District Durg, C.G. Through its President Shatrughan Lal Tandan S/o Shri Buddhu Ram R/o Aged about 45 years, Village Boriya Tehsil & Block Berla District Durg, Chhattisgarh
	Vs.	
RESPONDENTS	1.	Union of India, Through the Secretary, Ministry of Petroleum and Natural Gas, Shastri Bhawan, New Delhi
	2.	State of Chhattisgarh Through the Secretary, Department of Food & Civil Supply, D.K.S. Bhawan, Mantralaya Raipur, (C.G.)
	3.	The Collector, District Durg, Durg, (C.G.)
	4.	The Food Controller, District Durg, C.G.
	5.	Sub Divisional Officer, Saja, District Durg, C.G.

Present: Shri Satyendra Sahu, learned counsel for the petitioner.
Shri Bhishma Kinger, Central Government standing counsel, for respondent No.1
Shri Yashwant Singh, learned Govt. Advocate for the State of C.G. and its authorities.

ORAL ORDER
(Passed on 6th September, 2006)

The petitioner is a society of Eandhan hawkers of Berla Block in Durg District. The members of the petitioners-society was granted authorization for selling of kerosene to the consumers coming under Berla Block under the then existing policy. The Central Government revised the policy and issued a new policy with effect from 2nd October, 2005. That is the latest policy which holds the field. As per this policy, kerosene has to

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be distributed to the consumers only through fair price shops. In view of this new policy, the respondents did not continue the authorization earlier granted to the petitioner-society beyond 2nd October, 2005. On an earlier occasion, the petitioner-society had filed Writ Petition No.110 of 2006 in this Court complaining that a representation made by it to the Sub Divisional Officer Saja, District Durg, the 5th respondent herein, was not at all considered. In that view of the matter, this Court vide its order dated 12/1/2006 disposed of the writ petition directing the 5th respondent to consider the representation of the petitioner to grant it authorization. After the said writ petition was disposed of on 12/1/2006, it appears that the petitioner herein caused a legal notice on the 5th respondent to consider and dispose of its representation as directed by this Court. In response to that legal notice, the 5th respondent sent his reply dated 18.2.2006, a copy of which is marked at pages 40 and 41 of the material papers appended to the writ petition. The petitioner-Society was informed that it is not entitled to authorization for selling kerosene in view of the new policy which came into force from 2nd October, 2005. Being aggrieved by that action, the present writ petition is filed. Quite curiously the petitioner has sought the following reliefs:

> "7. RELIEF SOUGHT
>
> In view of the above facts and circumstances the petitioner prays that:
>
> 7.1 That, this Hon'ble High Court may kindly be pleased to prohibit / quash the entire proceeding of the Respondents by which supply of kerosene oil to Hawkers of the Berla Block District Durg, C.G. have been stopped without prior notice and without an opportunity of hearing.
>
> 7.2 That, this Hon'ble High Court may kindly be pleased to direct the Respondents for supply of kerosene oil to

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Hawkers of the Berla Block District Durg, C.G. / the members of the society as given before the October 2005 by commanding Writ Mandamus.

7.3 That, this Hon'ble High Court may kindly be pleased to direct the Respondents to make rehabilitation shceme for Hawkers of the Berla Block District Durg, C.G. before implementation of Jan Kerosene Yojna (Pilot Project) by commanding Writ of Mandamus

7.4 That, this Hon'ble High Court may kindly be pleased to direct the respondents to rehabilitate the service of the Hawkers of the Berla Block District Durg, C.G. / members of the petitioner society before the implementation of Jan Kerosene Yojna at Berla Block District Durg in distribution of Kerosene oil by commanding Writ of Mandamus.

7.5 That, this Hon'ble High Court may kindly be pleased to direct the respondents to decide the representations of the petitioner society it its right perspective within restricted time frame by commanding Writ of Mandamus.

7.6 That, this Hon'ble High Court may kindly be pleased to direct the respondent to compensate the undue suffering of the Hawkers of the Berla Block District Durg, C.G. / members of the petitioner society by issuing Writ of Mandamus.

7.7 That, this Hon'ble High Court may kindly be pleased to call the entire records relevant to above petition for kind perusal of this Hon'ble Court.

7.8 That, this Hon'ble High Court may kindly be pleased to pass any other writ, directions, relief or order which the petitioner society is entitled and the Hon'ble High Court may deem it fit may kindly be passed in the favour of the petitioner.

7.9 That, this Hon'ble High Court may kindly be pleased to direct the Respondents to provide the cost of the petition".

(2) The petitioner is not entitled to any of the reliefs claimed. It needs to be noticed that the power of the Central Government to frame

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appropriate policy for selling kerosene to the consumers intended to be covered under the policy cannot be doubted. Similarly, it is the power of the Central Government to change the policy from time to time to meet the needs of the consumers and also avoid malpractices in the distribution of the kerosene to the intended customers. Accordingly, the Central Government in substitution of the earlier policy framed new policy with effect from 2nd October, 2005, covering eleven blocks of seven districts including Berla block in Durg district, as per which kerosene has to be distributed to the intended consumers only through fair price shops. The said policy is not assailed in this writ petition. In the first place, the wisdom of policy cannot lightly be interfered with by the Court unless it is shown that the policy is the one which is discernibly violates the postulates of Article 14 of the Constitution of India. There is no need for me to dilate on this aspect further, because, there is no challenge to the policy. In view of the latest policy under which the petitioner-Society is not entitled to seek authorization, the refusal of the 5th respondent or any other State authorities to grant or renew the authorization could not be faulted with. The writ petition is devoid of merit and it is accordingly dismissed. No costs.

Sd/-
Chief Justice

Brajesh